

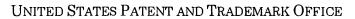
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APPLICATION NO.	ON NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
08/799,400	08/799,400 02/12/1997		DAIJIRO SASAKI	KAMMON-3.0-0	3700	
530	7590	04/22/2004		EXAMINER		
LERNER,	LERNER, DAVID, LITTENBERG,				LEV, BRUCE ALLEN	
KRUMHOL				ART UNIT		
600 SOUTH	600 SOUTH AVENUE WEST				PAPER NUMBER	
WESTFIEL	WESTFIELD NI 07090					

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.





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**GROUP 3600** 

# BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 48

Application Number: 09/799,400 Filing Date: March 05, 2001

Appellant(s): TSUKIHASHI ET AL.

Stephen B. Goldman For Appellant

**EXAMINER'S ANSWER** 

This is in response to the appeal brief filed March 15, 2004.

Application/Control Number: 09/799,400

Art Unit: 3634

# (1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

## (2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

#### (3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

No amendment after final has been filed.

# (5) Summary of Invention

The summary of invention contained in the brief is correct.

#### (6) Issues

The appellant's statement of the issues in the brief is correct.

#### (7) Grouping of Claims

The appellant's statement in the brief that certain claims do not stand or fall together is **not agreed with** because "sets" of dependent claims have similar structural limitations that are argued, by the applicant (i.e., page 12), to have similar patentable

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features. Further, the section 112 rejection pertaining to the phrase "tape-like" does not apply to all the claims, therefore, the claims that are rejected under section 112 *would* stand or fall together. Furthermore, at the bottom of page 18, the arguments set forth by the applicant appear to contradict the previous position, i.e., "Although Applicant's have not separately argued the novelty and unobviousness of dependent claims…".

In the interest of furthering the prosecution of the instant application, and in light of the extended prosecution to date, the examiner has chosen *not* to issue a notice of "defective brief" to address these issues further.

### (8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

#### (9) Prior Art of Record

08242526 A SASAKI et al 9-1996

4,933,512 NIMIYA et al 6-1990

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Bruce A. Lev Primary Examiner Art Unit 3634

April 19, 2004

Conferees:

Primary Examiner: Mr. Bruce A. Lev

Supervisory Primary Examiner: Mr. Peter Cuomo

Supervisory Primary Examiner: Mr. Dan Stodola

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